

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.	: 10/694,622	Confirmation No.	2614
Patent No.	: 7,561,536		
Applicant	: LARRY LEE ROUNDY, et al.		
Filed	: November 27, 2003		
TC/A.U.	: 2614		
Examiner	: Quynh H. Nguyen		
Docket No.	: 199-0065US		
Customer No.	: 29855		
Title	: METHOD AND APPARATUS FOR SIMULTANEOUS INCOMING DIGITAL CALL PROCESSING USING ISDN BONDING CHANNELS		

REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This paper is filed in response to the Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)(1)(B) which may be calculated based on the issue date of Patent 7,561,536 (May 19, 2009). A fee in compliance with 37 C.F.R. 1.18(f) accompanies this request. Applicant believes that no additional fees are due in connection with this request. However, should any fees or refunds be due, the Office is authorized to charge or credit such fees or refunds to Deposit Account No. 501922, referencing attorney docket number 199-0065US.

Remarks begin on page 2 of this paper.

REMARKS

Applicants have received an issued Patent No. 7,561,536 which issued on July 14, 2009. The calculated Patent Term Adjustment (PTA) is 960 days. However, Applicants believe this case is entitled to a Patent Term Adjustment of 962 days. This request is filed within two months of the date the patent issued as set forth in 37 C.F.R. 1.705(d). Applicants believe the patent should not have been assessed two (2) days of delay relative to the payment of the issue fee for the reasons set forth below.

The pertinent dates for reconsidering the PTA for this case are as follows:

- 1) 3/6/2009 Mailing date of Notice of Allowance;
- 2) 6/8/2009 Issue Fee payment due date;
- 3) 6/8/2009 Issue Fee receipt;

The date 3 months after the mailing date of the Notice of Allowance is 6/6/2009, which was a Saturday. However, because this time period “ends on a Saturday, Sunday, or Federal holiday, the reply is timely if it is filed on the next succeeding business day.” M.P.E.P. § 710.01(a). Also, “when the day, or the last day, for taking any action or *paying any fee* in the United States Patent and Trademark Office falls on Saturday, Sunday or a Federal Holiday within the District of Columbia, the action may be taken, *or fee paid*, on the next succeeding secular or business day.” 35 U.S.C. § 21(b) (emphasis added). Further, “[t]he period of adjustment of the term of a patent under paragraph (1) shall be reduced by a period equal to the period of time during which the applicant failed to engage in reasonable efforts to conclude prosecution of the application.” 35 U.S.C. § 154 (C)(i). Applicant’s assert that a timely filed response cannot constitute a failure “to engage in reasonable efforts.”

Additionally, the Notice of Allowance and Fees Due (attached in Appendix 1) clearly states that the Fees are Due on “06/08/2009.” Because, as shown in PAIR, the actual Issue Fee payment was received on its exact due date as defined by the Office and required by law under 35 U.S.C. § 21(b), it is unreasonable for the Office to assert that Applicant’s failed “to engage in reasonable efforts.”

Therefore, Applicant's respectfully request that the PTA be adjusted to 962 days for the reasons stated above and a Certificate of Correction be issued for this Patent

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Respectfully submitted,

July 21, 2009
Date

/William M. Hubbard/
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